

# Common eCommerce Trademark Mistakes

To build a business during this age and time, it is important to create a brand that has an eCommerce presence. People around the world are spending more time online, especially now with the COVID-19 pandemic.

Due to the pandemic, people are purchasing more online, including items they used to buy in physical stores. New habits, such as online shopping, are likely to remain in the future.

The change creates challenges and opportunities for e-commerce businesses as well as cybercriminals. Counterfeiting, online scams, and hacks are part of the changing situation, as brands experience an increase in cybercrimes.

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Intellectual property protection is required to build a strong brand online, and registering a trademark is necessary for your brand. Trademark registration means that you are the only one who can legally use your trademark in the territory.

Here are some of the most common mistakes e-commerce businesses make regarding their trademarks, and what to do to avoid them.

Want to protect **Your Trademark**? [Contact us](#) for a **Free Demo**

## Mistake #1: Choosing a brand name that is difficult to register and protect

Choosing a brand name that is right for your brand, not too narrow or broad, and allows flexibility and freedom to explore new business opportunities, is a challenge.

From the online intellectual property protection perspective, many businesses make the mistake of choosing a merely descriptive brand name or adding generic praise, such as “Best Smartphone” for a business that sells smartphones or “Smartphone Repair” for a company that fixes them.

A word that describes your goods or services, such as Best Coffee for a coffee company, is easy for people to find, but not to identify. The name Starbucks for a coffee company is distinctive and not generic, affording easier trademark protection across the globe. The same is true for the name Apple for a technological company.

A brand name should identify your specific brand in your market in a way that is not generic. However, earlier this year, the U.S. Supreme Court issued an unusual ruling, saying that Booking.com is eligible for a trademark even though it is a generic term. Booking.com appealed after the United States Patent and Trademark Office (USPTO) denied Booking.com's trademark application for being generic.

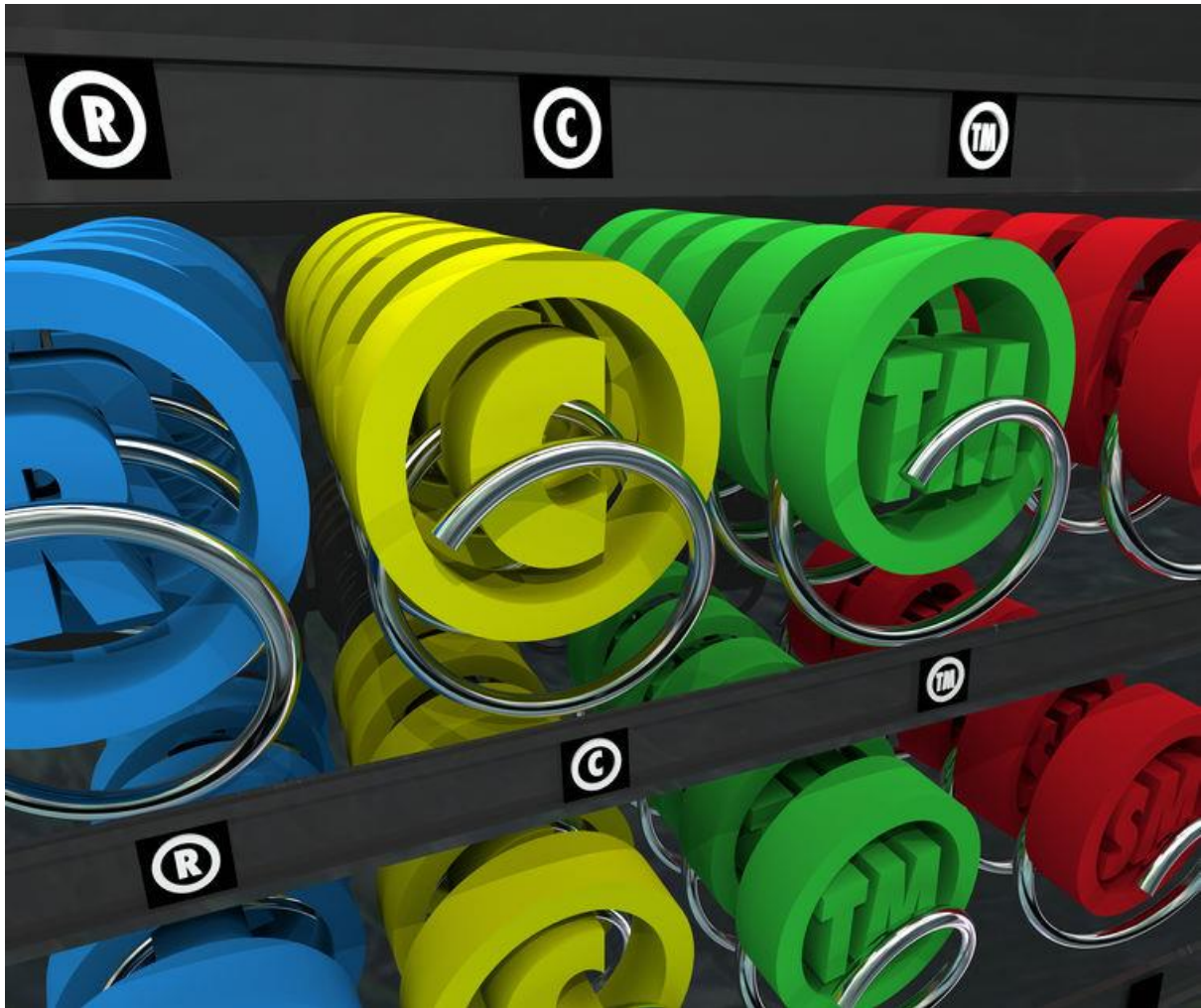
The ruling may make a difference for other established companies such as Hotels.com, Weather.com, and others. The reason for the supreme court's decision was that for consumers the name is not generic, a situation that is no doubt the result of the company investing significant resources into the brand.

## **Mistake #2: Choosing a brand name without trademark clearance in your markets**

Once you have ideas for names, you can do a quick search on Google and in the relevant patent office, such as the USPTO in the U.S., to check if the trademark is available.

A more comprehensive search can prevent future problems and save you time and money. If you choose a name that is already trademarked, you can get a cease and desist letter from the trademark owner that will force you to stop using the name. Re-branding usually involves actions like changing your domain name, changing social media accounts, changing packaging, and essentially confusing customers.

It is recommended to have an attorney perform the search.



## **Mistake #3: Trademarking your logo and not your name**

Trademarks are usually words, phrases, symbols, designs, or a combination of these. New businesses often have budget considerations when it comes to registering their trademarks, and some decide to trademark their logo that includes the company's name and graphics.

When a brand receives trademark registration for the brand logo, the only protection for the brand is when using the registered combination of name and logo. In this case, any logo redesign will make the registration worthless, and you will need to start over to gain protection.

The trademark name enables you to protect your business name in different scenarios, such as infringers who use the word or a distortion thereof rather than the full logo.

The best way is to file a trademark application of the brand's name and logo as two separate trademark applications, although this costs more. Also, if one or more of the brand's marketed products have unique, distinctive names, consider registering each one of those names as a separate trademark.

## **Mistake #4: Filing a trademark in your name when used for your company**

Small business owners often file a trademark for their name, making it one with their legal entity, such as a corporation or LLC. This practice defies the purpose of creating a separation between the individual and the business.

This flaw can prevent you from obtaining registration. Even if the filing passes the examination, this flaw can present problems with enforcing the trademark in the future and lead to the cancellation of your trademark.





## Mistake #5: Not registering your trademark in all main territories

Trademark protection is territorial, making it crucial to register your trademark everywhere your brand operates in or considers to go into in the future.

For example, even if you do not currently manufacture or offer your products in China and are not looking to sell in China in the foreseeable future, it is vital that you consider trademark registration in China. If Chinese sellers violate your trademark by selling your products on Chinese marketplaces, for example, a trademark allows you to enforce your trademark both online and offline to stop your brand from being abused.

Registering your trademark in China is proof of ownership that enables you to protect your brand locally. In China specifically, trademark squatters look to file for third-party trademarks since under Chinese trademark laws, they do not need to prove use in order to register.

The Madrid Protocol is a cost-effective way of obtaining protection in multiple countries under one application or adding additional countries after trademark registration.



Wiser Market: Online brand protection services

Avoiding the main trademark mistakes is essential to your online brand protection strategy. Without registering your brand name as a trademark, other actions may be rendered futile.

Brand protection services can save you time and money and help shield your brand. [Wiser Market](#) can help your brand fight trademark infringements as well as other intellectual property rights such as copyright, design patents and utility patent infringements.

Using innovative technology and unique eCommerce know-how, Wiser Market removes counterfeits and other IP infringements from multiple digital channels, to protect intellectual property rights, increase sales and protect brand reputation.

With Wiser Market, your brand has an automatic, fully managed solution, allowing you to focus on growing your business.